



2013 Legislative Session Summary

**Office of Legislative Affairs
October 2013**



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FOREWORD

This report provides an overview of legislation affecting the Department of General Services (General Services) in 2013.

During the first year of the 2013-14 Legislative Session, General Services' Office of Legislative Affairs monitored and reviewed 2,540 measures while specifically providing 62 assessments on bills. The Governor signed General Services': 1) Natural Gas Services Program bill AB 650 (Nazarian, Chapter 615, Statutes of 2013); 2) surplus property bill, AB 826 (Jones-Sawyer, Chapter 505, Statutes of 2013); and 3) state surplus properties realtors and landlocked properties bill, AB 1421 (Accountability and Administrative Review Committee, Chapter 276, Statutes of 2013.). The following pages provide a summary of the bills with particular significance to the measures that reached the Governor's desk.

General Services manages a broad range of business lines to meet the active and diverse goals of the State of California. We appreciate everyone's assistance and expertise who contributed to our successful representation of departmental legislative matters before other state agencies, the Legislature, and the Governor.

We look forward to working with the Governor, Legislature, and state agencies in the second half of this Legislative Session. General Services' Office of Legislative Affairs' top priority is to work professionally with all parties and stakeholders involved to achieve a positive outcome for California. If you have questions regarding this summary or would like additional information, please contact Letha Burton at (916) 376-5029 or letha.burton@dgs.ca.gov.



**Jemahl Amen, Deputy Director-Legislative Affairs
Department of General Services**

ACRONYMS USED FOR THE OFFICE IN THE 2013 LEGISLATIVE SUMMARY

DSA	DIVISION OF THE STATE ARCHITECT
IT	INFORMATION TECHNOLOGY
OAH	OFFICE OF ADMINISTRATIVE HEARINGS
OFA	OFFICE OF FLEET ADMINISTRATION
OFS	OFFICE OF FISCAL SERVICES
OHR	OFFICE OF HUMAN RESOURCES
OLS	OFFICE OF LEGAL SERVICES
OPSC	OFFICE OF PUBLIC SCHOOL CONSTRUCTION
ORIM	OFFICE OF RISK AND INSURANCE MANAGEMENT
PD	PROCUREMENT DIVISION
RESD	REAL ESTATE SERVICES DIVISION

LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2013

**UNLESS OTHERWISE INDICATED, THESE STATUTES
BECOME EFFECTIVE JANUARY 1, 2014**

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BILL (AUTHOR)	TOPIC	Office	CHAPTER	CODE SECTIONS AFFECTED
AB 44 (Buchanan)	<p>Subletting and Subcontracting Fair Practices Act: bidding practices Summary: The Subletting and Subcontracting Fair Practices Act requires the entity taking bids for the construction of any public work or improvement to specify that any person making a bid or offer to perform the work shall, in his or her bid or offer, include specified information, including the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the work or improvement. This bill would, commencing July 1, 2014, require that the California contractor license number of each subcontractor also be provided.</p>	RESD	258	<i>An act to amend, repeal, and add Section 4104 of the Public Contract Code, relating to public contracts.</i>
AB 56 (Weber)	<p>School facilities: carbon monoxide devices Summary: Existing law, the Leroy F. Greene School Facilities Act of 1998, requires certain new school facilities construction projects that require the approval of the Department of General Services, as specified, to include an automatic fire detection, alarm, and sprinkler system.</p> <p>This bill would require, by July 1, 2015, the State Fire Marshal to propose for adoption by the commission, appropriate standards for the installation of carbon monoxide devices in public and private school buildings that meet specified criteria.</p>	OPSC	475	<i>An act to add Article 7 (commencing with Section 32080) to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, relating to school facilities.</i>
AB 173 (Weber)	<p>Postsecondary education: Small Business Procurement and Contract Act Summary: Existing law, the Small Business Procurement and Contract Act, permits a state agency to award a contract for goods, services, or information technology with a value of between \$5,000 and \$250,000 to a certified small business, including a microbusiness and a disabled veteran business enterprise, without complying with specified competitive bidding requirements. This bill would, notwithstanding those provisions, authorize the California State University and, subject to a specified provision, a community college district to award a contract for goods, services, or information technology with a value of between \$5,000 and \$250,000 to a certified small business, including a microbusiness and a disabled veteran business enterprise, without complying with specified competitive bidding requirements.</p>	PD	262	<i>An act to add Section 14838.64 to the Government Code, and to add Sections 10508.5 and 20651.2 to the Public Contract Code, relating to public contracts.</i>
AB 221 (Quirk-Silva)	<p>Recycled concrete Summary: Existing law authorizes the use of recycled concrete materials if the user has been fully informed, as defined, that the concrete may contain recycled concrete material and prohibits recycled concrete from being offered, provided, or sold to the Department of Transportation or the Department of General Services for any use unless specifically requested and approved by that department. Existing law defines the term recycled concrete for these purposes as including mix designs or aggregate gradations that are in accordance with certain specifications.</p> <p>This bill would revise the definition of recycled concrete for purposes of these provisions to additionally include,</p>	RESD	154	<i>An act to amend Sections 16000, 16001, and 16004 of the Public Resources Code, relating to recycling.</i>

BILL (AUTHOR)	TOPIC	Office	CHAPTER	CODE SECTIONS AFFECTED
as one of those specifications, the California Green Building Standards Code.				
AB 250 (Holden)	<p>California Innovation Initiatives</p> <p>Summary: The Governor’s Office of Business and Economic Development serves as the Governor’s lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. The office, among others, makes recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals.</p> <p>This bill would create the California Innovation Hub Program within the Governor’s Office of Business and Economic Development. The bill would require the office to designate Innovation Hubs, as specified. The bill would require the office to issue a request for proposals for the California Innovation Hub Program, and would require the proposals to include specified information except as provided. The bill would require each designated iHub partnership to include, among other things, at least one major university or research center or institute. The bill would establish the Innovation Accelerator Account within the California Economic Development Fund and would make a continuous appropriation from that account to the office to be used for California Innovation Initiatives, as specified. The bill would require an iHub to annually post the information from these reports on its Internet Web site and notify the Governor and specified legislative committees that such information is available on its Internet Web site.</p>	RESD	530	<i>An act to add Article 6 (commencing with Section 12099) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state government, and making an appropriation therefor.</i>
AB 287 (Frazier)	<p>Vietnam Veterans' Memorial: update</p> <p>Summary: Existing law authorized the construction of a memorial to California's Vietnam veterans on the grounds of the State Capitol, as specified, and provided that funds for the construction of the memorial would be provided through private contributions. Existing law requires the Department of Veterans’ Affairs to establish a statewide Veterans’ Memorial Registry, and to make it available on that department’s Internet Web site. This bill, until January 1, 2020, would require the department to annually compile a list of names of Vietnam veterans to be added to the memorial, as specified. The bill would require the department to form a specified committee to review and consider requests from the public to include names on the memorial, as specified. The bill would authorize the names on the list to be added to the memorial if specified requirements are met, including that adequate private funding is available.</p>	RESD	229	<i>An act to repeal Section 1301 of, and to repeal and add Chapter 4 (commencing with Section 1300) of Division 6 of, the Military and Veterans Code, relating to veterans.</i>
AB 308 (Hagman)	<p>School facilities: sale of surplus real property: return of state school facilities funding program funds</p> <p>Summary: Existing law authorizes the governing board of any school district to sell any real property belonging to the school district, or lease for a term not exceeding 99 years, any real property, together with any personal property located on the real property, belonging to the school district which is not or will not be needed by the school district for school classroom buildings at the time of delivery of title or possession. Existing law requires the governing board of a school district seeking to sell or lease real property designed to</p>	OPSC	496	<i>An act to add Section 17462.3 to the Education Code, relating to school facilities.</i>

provide direct instruction or instructional support it deems to be surplus property to first offer that property for sale or lease to any charter school that has submitted a written request to the school district to be notified of surplus property offered for sale or lease by the school district. Existing law authorizes the proceeds from the sale or lease with option to purchase to be deposited in the general fund of the school district, to be used for one-time expenditures, if the governing board of the school district and the State Allocation Board have determined that the school district has no anticipated need for additional site or building construction for the 10-year period following the sale or lease with option to purchase, and the school district has no major deferred maintenance requirements.

This bill would authorize the State Allocation Board to establish a program under which it would require a school district, county office of education, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the board the moneys the school district, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if certain conditions are met. Under this program, these moneys would, if received within the ten years immediately before the sale of the real property, be required to be returned if the real property, is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services, except as specified.

**AB 481
(Lowenthal)**

High-speed rail

Summary: Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system, including the acquisition of rights-of-way through purchase and eminent domain. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion for high-speed train capital projects and other associated purposes.

This bill would enact similar exceptions and authorizations relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. The bill would make various additional conforming changes. The bill would also enact new provisions governing acquisition or disposal of right-of-way property by the authority. The bill would require payments for leases, sales, or other conveyances of property owned or controlled by the authority to be deposited in the High-Speed Rail Property Fund created by the bill, and would provide that the funds shall be available to the authority upon appropriation by the Legislature for specified purposes.

RESD

132

An act to amend Sections 11007.1, 14255, 14662, 14666, 14666.6, 14666.8, and 14667 of the Government Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to high-speed rail.

BILL (AUTHOR)	TOPIC	Office	CHAPTER	CODE SECTIONS AFFECTED
AB 650 (Nazarian)	State government: general services: Natural Gas Services Program Summary: Existing law authorizes the Department of General Services to contract with suppliers to obtain materials, supplies, equipment, and services. This bill would require the director to operate the Natural Gas Services Program, pursuant to which the Director of General Services would make the services of the department with respect to the acquisition of natural gas and related services available, under agreed upon terms and conditions, to any city, county, city and county, district, or other local governmental body, and to nonprofit hospitals and educational institutions that expend public funds, and would enter into interagency agreements for acquisition of natural gas and related services, as defined.	ORIM	615	<i>An act to add Section 10299.1 to the Public Contract Code, relating to state government, and making an appropriation therefor.</i>
AB 811 (Lowenthal)	Excavations: regional notification center system: contractor certification Summary: Existing law generally requires any person planning to conduct an excavation to contact a regional notification center prior to excavation, and, if practical, to delineate the areas to be excavated. Existing law authorizes the Attorney General, a district attorney, or the state or a local agency that issued a permit to excavate to bring an action for the enforcement of a civil penalty against an operator or excavator who negligently or knowingly and willfully violates the requirements of these and related provisions. The bill would require statewide information, as defined, provided by operators and excavators regarding facility events, as defined, to be compiled and made available in an annual report by regional notification centers and posted on the Internet Web sites of those regional notification centers.	RESD	250	<i>An act to amend Section 4216.6 of the Government Code, relating to excavations.</i>
AB 826 (Jones-Sawyer)	State property: surplus Summary: (1) Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. This bill would authorize the director to dispose of eight specified parcels of state property. The bill would require the proceeds from one parcel to be used to pay off specified federal equity financing.	RESD	505	<i>An act relating to state property, and making an appropriation therefor.</i>
AB 906 (Pan)	Personal services contracts Summary: The State Civil Service Act authorizes state agencies to use personal services contracts if prescribed conditions are met. The act, with regard to personal services contracts permissible to achieve cost savings when certain conditions are met, requires the agency to notify the State Personnel Board of its intention to enter into such a contract and requires the board to contact all organizations that represent state employees who perform the type of work to be contracted. The act also makes personal services contracts permissible under other specified conditions, without regard to cost savings. The act requires the board, at the request of an employee organization that represents state employees, to review the adequacy of a proposed or executed personal services contract, as specified. This bill would amend the act to prohibit the execution of those proposed personal services contracts permissible under specified conditions, without regard to cost savings, until the state agency proposing to	OLS	744	<i>An act to amend Section 19132 of the Government Code, relating to personal services contracts.</i>

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execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. The bill would require the Department of General Services to establish a process to certify that notification.

**AB 1062
(Jones-Sawyer)**

Human resources

OHR

427

Summary: Existing law provides that the Department of Human Resources succeeds to and is vested with all of the powers and duties exercised and performed by the Department of Personnel Administration and powers, duties, and authorities necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board.

This bill would transfer certain functions and duties of the board to the department. The bill would also designate the department to share certain functions and duties with the board.

An act to amend Section 17604 of the Family Code, to amend Sections 7299.4, 7299.5, 18502, 18525.3, 18527, 18528, 18532.1, 18533, 18540, 18544, 18575, 18654, 18654.5, 18655, 18661, 18670, 18671.1, 18672, 18674, 18676, 18681, 18682, 18804, 18900, 18900.5, 18900.6, 18903, 18931, 18933, 18934, 18936, 18937, 18938.6, 18950, 18950.1, 18951, 18975, 18976, 19050.4, 19057.1, 19057.2, 19058, 19059, 19062.5, 19082, 19101, 19140, 19140.5, 19141.1, 19143, 19170, 19200, 19253, 19253.5, 19257.5, 19400, 19401, 19402, 19403, 19405, 19574.2, 19582, 19586, 19630, 19680, 19682, 19703, 19763, 19764, 19770, 19775, 19775.1, 19775.8, 19775.9, 19776, 19786, 19793, 19798, 19800, 19801, 19802, 19802.5, 19803, 19804, 19805, 19806, 19807, 19808, 19809, 19815, 19815.6, 19816.6, 19816.12, 19818.14, 19822.5, and 19822.7 of, to add Section 19811 to, to repeal Sections 18538.1, 18807, 18972, 19583.51, 19816, 19818.2, 19818.4, and 19889.4 of, and to repeal and add Sections 18935, 18940, 18941, and 19052 of, the Government Code, and to amend Section 13601 of the Penal Code, to amend Sections 10605 and 10801 of the Welfare and Institutions Code, relating to human resources.

BILL (AUTHOR)	TOPIC	Office	CHAPTER	CODE SECTIONS AFFECTED
AB 1289 (Cooley)	<p data-bbox="365 285 1094 315">State government: California Vietnam Veterans' Memorial</p> <p data-bbox="365 315 1625 375">Summary: Existing law establishes the state flag and the state's emblems, including, among other things, the poppy as the official state flower and the California redwood as the official state tree.</p> <p data-bbox="365 391 1646 448">This bill would establish the California Vietnam Veterans' Memorial as the official state Vietnam veterans' war memorial.</p>	RESD	191	<p data-bbox="1686 285 2028 375"><i>An act to add Section 429.9 to the Government Code, relating to state government.</i></p>
AB 1317 (Frazier)	<p data-bbox="365 496 737 526">State government operations</p> <p data-bbox="365 643 1625 829">Summary: Existing law and the Governor's Reorganization Plan No. 2, effective July 3, 2012, and operative July 1, 2013, assigns and reorganizes the functions of state government among executive officers and agencies by creating the following general agency structure in the executive branch: Business, Consumer Services and Housing; Government Operations; Corrections and Rehabilitation; Labor and Workforce Development; California Health and Human Services; Environmental Protection; Natural Resources; and Transportation.</p> <p data-bbox="365 846 1625 967">This bill would enact the statutory changes necessary to reflect the changes in law made by the Governor's Reorganization Plan No. 2, and would also make additional conforming name changes to properly reflect the assignment and reorganization of the functions of state government among the newly established executive officers and agencies. (Urgency clause—September 26, 2013.)</p>	OLS	352	<p data-bbox="1686 496 2028 1372"><i>An act to amend Sections 30, 31, 101, 130, 149, 205, 1000, 8501, 8502, 8520, 8520.2, 8525, 8674, 8676, 10004, 10005, 10050, 10053, 10147, 10149, 10151.5, 10166.07, 10176.1, 10231.2, 10232.1, 10232.2, 10235.5, 10236.2, 10249.3, 10249.8, 10249.9, 10471, 10471.1, 10472, 11010, 11010.8, 11011, 11012, 11225, 11232, 11301, 11302, 11310, 11313, 19826, 19872, and 19881 of, and to repeal Sections 11313.2 and 19881.5 of, the Business and Professions Code, to amend Sections 912, 1675, 1798.3, 2985, 5240, and 5400 of the Civil Code, to amend Section 1218 of the Code of Civil Procedure, to amend Sections 14010, 14060.6, 25005, 28033, 29200, and 31210 of, and to repeal Sections 25600, 25601, 25602, and 25603 of, the Corporations Code, to amend Sections 17444, 22001, 32282, 32282.5, 35296, 51264, 51266, 51266.5, 66210, 71095, and 94600 of the Education Code, to amend Sections 298 and 17520 of the Family Code, to amend Sections 125, 2003, 4970, 5106, 17312, 17423.1, 18002.5, 23001, 30005, and 50702 of, to amend the heading of Chapter 3 (commencing with Section 300) of Division 1 of, to amend the heading of Article 2 (commencing with Section 320) of</i></p>

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Chapter 3 of Division 1 of, and to repeal and add Section 321 of, the Financial Code, to amend Sections 1389, 2301, 3862, and 3863 of the Fish and Game Code, to amend Sections 3806, 4101.4, and 58509 of, and to repeal Section 11451.5 of, the Food and Agricultural Code, to amend Sections 179.7, 955.1, 3101, 3102, 6254, 6254.23, 6276.26, 6276.38, 7465, 8550, 8570.5, 8574.17, 8574.20, 8574.21, 8574.22, 8575, 8584.1, 8585, 8585.05, 8585.1, 8585.2, 8585.5, 8585.7, 8586, 8587.7, 8588, 8588.1, 8588.2, 8588.3, 8588.5, 8588.7, 8588.10, 8588.11, 8588.15, 8589, 8589.1, 8589.2, 8589.5, 8589.6, 8589.7, 8589.9, 8589.10, 8589.11, 8589.12, 8589.13, 8589.14, 8589.15, 8589.16, 8589.17, 8589.18, 8589.19, 8589.20, 8589.21, 8590.1, 8590.2, 8590.3, 8590.4, 8591, 8593, 8593.1, 8593.2, 8593.6, 8596, 8599, 8600, 8607, 8607.2, 8608, 8610, 8610.3, 8610.5, 8612, 8613, 8614, 8639, 8649, 8651, 8657, 8657.5, 8670.20, 8670.25.5, 8670.26, 8670.64, 8680.7, 8682, 8682.2, 8682.6, 8682.8, 8682.9, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686.2, 8686.3, 8686.4, 8686.8, 8687, 8687.2, 8687.4, 8687.7, 8692, 8696.5, 8697, 8697.5, 8711, 8840, 8841, 8844, 8870.4, 8870.7, 8870.71, 8871.3, 8871.4, 8876.7, 8878.52, 8878.90, 8878.100, 8878.125, 8879.7, 8879.23, 8879.27, 8879.50, 8879.53, 8879.57, 8879.58, 8879.59, 8879.60, 8879.61, 8886, 11018.5, 11126, 11340.2, 11546.2, 11546.3, 11546.4, 11546.5, 11546.6, 11549.4, 11552, 12012.90, 12463.1, 12804.7, 13901, 13903, 13975.1,

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and 130055 of, to amend the heading of Article 2 commence with Section. 114660) of Chapter 4 of Part 9 of Division 104 of, the Health and Safety Code, to amend Sections 12406.5, 12414.31, 16020, and 16030 of the Insurance Code, to amend Sections 3211.91 and 4350 of the Labor Code, to amend Section 433.5 of the Military and Veterans Code, to amend Sections 273.82, 830.3, 830.11, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1191.21, 6241, 11160, 11160.1, 11161.2, 11171, 11174.34, 11501, 11502, 11504, 13100.1, 13800, 13820, 13821, 13823.2, 13823.3, 13823.4, 13823.5, 13823.6, 13823.9, 13823.12, 13823.13, 13823.15, 13823.16, 13823.17, 13825, 13826.62, 13830, 13833, 13835.2, 13835.6, 13835.7, 13835.10, 13836, 13836.1, 13843, 13844, 13846, 13847, 13847.2, 13851, 13854, 13861, 13864, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14113, 14117, 14118, 14119, 14120, 14121, and 14140 of the Penal Code, to amend Sections 715, 2802, 2803, 2811, 2814, 2815, 3233, 5075.8, 5099.12, 10002, 25402.9, 25701, 25943, 29735, 30169, 30301, 36300, 40400, 42703, and 43035 of the Public Resources Code, to amend Sections 783, 883, 2774.5, 7551.1, 7551.3, 7661, 7662, 7663, 7665.1, 7665.2, 7665.3, 7665.4, 7673, 7718, 99212, 99243, 131242, 161003, 185020, and 185035 of the Public Utilities Code, to amend Sections 97.2 and 19528 of the Revenue and Taxation Code, to add Section 22.5 to the Streets and Highways Code, to amend Sections 165, 1500, 1505, 1808.51, 2100, 2109, 2901, 2902,

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9706, 23112.5, and 34061 of the Vehicle Code, to amend Sections 128, 6025.6, 11910, 11910.1, 12994, 13271, 13272, and 79522 of the Water Code, and to amend Sections 1789, 9101, 9625, 14085.54, 18275.5, 18277, 18278, and 18278.5 of the Welfare and Institutions Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

**AB 1420
(Comm. on Acct.
& Admin. Rev.)**

State government: state agencies: reports

OFA

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Summary: Existing law requires various state agencies to submit certain reports, plans, evaluations, and other similar documents to the Legislature and other state agencies. This bill would eliminate provisions that require certain state agencies to submit certain reports to the Legislature and other state agencies. The bill would also modify requirements of certain reports by requiring, among other things, that reports be placed on the Internet Web site of the reporting agency rather than to be submitted to the Legislature or other state agencies, or requiring certain state agencies to collaborate with other state agencies in preparing those reports. The bill would also modify cross-references.

An act to amend Sections 1917.1, 2028.5, and 12104 of the Business and Professions Code, to amend Section 1727 of the Fish and Game Code, to amend Sections 19849.11 and 22959.6 of the Government Code, to amend Section 25722.8 of the Public Resources Code, to amend Section 8352.4 of the Revenue and Taxation Code, and to amend Sections 4024, 11462, and 14701 of the Welfare and Institutions Code, relating to state government.

**AB 1421
(Comm. on Acct
& Admin. Rev.)**

Surplus state property: realtors and landlocked properties

RESD

276

Summary: Existing law prescribes a process for the sale of surplus state real property. This process requires each state agency to report annually to the Department of General Services any proprietary state lands under the jurisdiction of that agency that are in excess of its foreseeable needs. Existing law provides certain exceptions from this requirement, including, among others, lands under the jurisdiction of specified state entities. Existing law requires the department to determine if excess land is needed by another agency and, if it is, to provide for transfer to another agency. Existing law authorizes a state agency authorized to sell

An act to amend Sections 11011.5 and 14664 of the Government Code, relating to surplus state property, and making an appropriation therefor.

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<p>surplus state property to employ a licensed real estate broker, with the approval of the department, for a negotiated commission not to exceed reasonable and customary brokerage commissions applicable to similar privately owned properties in the area. Existing law prohibits the Director of General Services from employing the services of a broker unless the director determines that the employment of a broker to sell the property would result in a cost savings to the state. This bill would revise the authorization for a state agency selling surplus state property to employ a licensed real estate broker to require that the broker be local with respect to that property and would prescribe requirements for the selection of the broker. The bill would require the state to adopt criteria to determine the competence and qualification for the services to be performed and to evaluate the customary brokerage commission to be charged based on services in the area.</p>	<p>SB 6 (Lieu)</p>	<p>Business</p>	<p>IT</p>	<p>54</p>	<p><i>An act to amend, add, and repeal, Section 9321 of the Commercial Code, relating to business, and declaring the urgency thereof, to take effect immediately.</i></p>
<p>This bill would authorize certain institutions, which are otherwise exempt from the requirement in the act that they obtain approval to operate from the bureau, to apply to the bureau for an approval to operate under the act. The bill would specify the authority of the bureau with regard to those institutions and would provide that, upon being issued an approval to operate, those institutions would be subject to the act and regulations adopted pursuant to the act. The bill would require these institutions to report certain placement and salary or wage data to the bureau and provide certain information to prospective students. This bill would provide that an institution that was approved to operate by the bureau before its effective date shall be deemed to have been approved pursuant to the bill's provisions. All of these provisions would be repealed on January 1, 2015, as part of the act. (Urgency clause—June 27, 2013.)</p>	<p>SB 71 (Comm. on Budget and Fiscal Review)</p>	<p>State government</p>	<p>PD</p>	<p>28</p>	<p><i>An act to amend Sections 100010 and 100115 of, and to add Section 94874.8 to, the Education Code, to amend Sections 8592.1, 8592.5, 8592.7, 8690.6, 11542, 13964, 14615.1, 15251, 15253, 15254, 15275, 15277, 18671.2, 23025, 53108.5, 53114.1, 53115.1, and 53126.5 of, to add Sections 8250.1, 11543, 13295.5, and 13963.1 to, to add Chapter 9 (commencing with Section 14930) to Part 5.5 of Division 3 of Title 2 and Chapter 3 (commencing with Section 15278) to Part 6.5 of Division 3 of Title 2 of, and to add and repeal Article 8 (commencing with Section 19210) of Chapter 5 of Part 2 of Division 5 of Title 2 of, to repeal Section 8169.6 of, and to repeal and add Section 18662 of, the Government Code, to</i></p>

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**SB 96
(Committee on
Budget and
Fiscal Review)**

Budget Act of 2013: public resources

Summary: This bill exempts the Department of Forestry and Fire Protection from requirements to submit information to: (1) General Services on late payment penalties; and (2) to the Department of Resources Recycling and Recovery regarding recycled product purchases. This bill sets requirements for how the Energy Commission awards monies under the Electric Program Investment Charge program and requires Joint Legislative Budget Committee to review certain types of awards. This bill extends the sunset date of the Department of Parks and Recreation's authority to perform capital outlay

PD

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amend Section 10089.7 of the Insurance Code, to amend Sections 62.5, 139.48, 1024, 1771.3, 1771.5, 7852, 7856, and 7870 of, to amend and repeal Section 62.7 of, to add Sections 62.8 and 1063.5 to, and to repeal Section 62.9 of, the Labor Code, to amend Sections 1203, 13518.1, 13701, 13710, and 13730 of the Penal Code, to amend Sections 10351, 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5, 12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108, 12109, 12112, 12120, 12125, 12126, and 12128 of, to add Sections 12102.1 and 12102.2 to, and to repeal Section 12121 of, the Public Contract Code, to amend Section 75121 of the Public Resources Code, to amend Sections 2872.5, 2892, and 2892.1 of the Public Utilities Code, to amend Sections 41030, 41031, 41032, 41136, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, to amend Section 5066 of the Vehicle Code, and to amend Section 656.2 of the Welfare and Institutions Code, relating to state and local government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

An act to amend Section 1352 of, to add Section 2850.5 to, and to repeal Section 712.5 of, the Fish and Game Code, to amend Sections 927.9, 11549.3, and 51018 of, and to add Section 1304 to, the Government Code, to amend Section 44299.91 of the Health and Safety Code, to amend Section 12211 of the Public

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projects to January 1, 2019. This bill prohibits the Public Utilities Commission from contracting with private entities for which a Public Utilities Commission commissioner serves as an owner, director, or officer, and declares that such contracts are void. (Urgency clause—September 26, 2013.)

Contract Code, to amend Sections 4785, 5018.1, 5080.18, 5096.650, 14538, 14539, 14549.5, 14553, 14572, 14591, 25751, 26052, 26055, 26060, 26062, 26063, 35600, 35605, 35625, 42977, 48704, 71300, 71301, 71302, 71303, 71304, and 71305 of, to add Sections 25711.5 and 25711.7 to, and to repeal Sections 4124 and 4515 of, the Public Resources Code, to amend Sections 309.5, 2851, and 5900 of, and to add Sections 318, 740.5, 854.5, and 2120 to, the Public Utilities Code, to add Section 104.22 to the Streets and Highways Code, and to amend Section 85200 of, and to add Section 10001.7 to, the Water Code, and to repeal Section 34 of Chapter 718 of the Statutes of 2010, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

**SB 328
(Knight)**

Counties: public works contracts

RESD

517

Summary: Existing law provides that if the estimated cost of construction of any county building or the cost of any painting or repairs thereto, exceeds a specified sum, the work shall be done by contract and that any such contract not let pursuant to specified provisions is void. Existing law requires a board of supervisors to award the contract to the lowest responsible bidder. Existing law also authorizes a county, with approval of the board of supervisors, to utilize an alternative procedure for bidding on construction projects in the county in excess of \$2,500,000 and to award the project using either the lowest responsible bidder or by best value, as specified.

An act to add and repeal Section 20146 of the Public Contract Code, relating to public works contracts.

This bill would authorize a county, until January 1, 2018, with approval of the board of supervisors, to utilize construction manager at-risk construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county. The bill would provide that a construction manager at-risk contract may be used only for projects in the county in excess of \$1,000,000 and may be awarded using either the lowest responsible bidder or best value method, as defined, to a construction manager at-risk entity that possesses or that obtains sufficient bonding. The bill would require that subcontractors that were not listed by a construction manager at-risk entity as partners, general partners, or

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<p>association members in a partnership, limited partnership, or association in the entity's construction manager at-risk bid submission, be awarded certain work by the construction manager at-risk entity in accordance with the process set forth by the county, as provided.</p>				
SB 335 (Yee)	<p>Expenditures: service contracts Summary: Existing law requires the Financial Information System for California (FI\$Cal) to include a state budget transparency component that allows the public to have access, on an Internet Web site, to specified information for each General Fund and federal fund expenditure.</p>	OLS	757	<i>An act to add Section 12025 to the Government Code, relating to state government.</i>
<p>This bill would require, upon full implementation of the FI\$Cal Project for state departments and agencies that are utilizing the full functionality of the FI\$Cal system, specified information regarding contracts for services in the amount of \$5,001 or more to be made available to the public on the FI\$Cal Project Internet Web site in a format that allows for searching and sorting by specified categories.</p>				
SB 401 (Hueso)	<p>Administrative practices Summary: Existing law requires every state agency subject to the Administrative Procedure Act to provide an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. Existing law requires an initial statement of reasons for a regulation that is a building standard that impacts housing to include the estimated cost of compliance and the potential benefits of the regulation and the related assumptions used in determining that estimate, except as specified. This bill would instead require an initial statement of reasons for any regulation that is a building standard, regardless of whether the building standard impacts housing, to include the information specified above.</p>	DSA	212	<i>An act to amend Section 11346.2 of the Government Code, relating to administrative regulations.</i>
SB 416 (Liu)	<p>Surplus residential property Summary: Existing law declares the intent of the Legislature to preserve, upgrade, and expand the supply of housing to persons and families of low or moderate income, through the sale of specified surplus residential property owned by public agencies. Existing law establishes priorities and procedures that any state agency disposing of that surplus residential property is required to follow, and defines relevant terms for these purposes, including "fair market value."</p>	RESD	468	<i>An act to amend Sections 54236 and 54237 of, and to add Sections 54237.3, 54237.7, and 54237.8 to, the Government Code, relating to surplus residential property, and making an appropriation therefor.</i>
<p>This bill would revise the definition of "fair market value" for purposes of the sale of this surplus residential property, to reflect the existing "as is" condition of the property, taking into account any needed repairs.</p>				

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SB 425 (DeSaulnier)	<p>Public works: the Public Works Peer Review Act of 2013</p> <p>Summary: Existing law defines a public work as construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds; work done for irrigation, utility, reclamation, and improvement districts, and other districts of this type; street, sewer, or other improvement work done under the direction and supervision or by the authority of any officer or public body of the state; or of any political subdivision or district thereof, and public transportation demonstration projects, as specified. This bill would allow a public agency, principally tasked with administering, planning, developing, and operating a public works project, to establish a specified peer review group, as defined, and would require the administering agency, if a peer review group is established, to draft a charter, published on the agency's Internet Web site, related to the duties of the peer review group.</p>	RESD	252	<i>An act to add Chapter 11 (commencing with Section 8847) to Division 1 of Title 2 of the Government Code, relating to public works.</i>
SB 447 (Lara)	<p>Surface mining operations</p> <p>Summary: (1) Existing law, the Surface Mining and Reclamation Act of 1975, prohibits, with certain exceptions, a person from conducting a surface mining operation unless, among other things, a reclamation plan has been submitted to and approved by the lead agency, as defined, for the operation. For purposes of compliance with specified provisions of the Public Contract Code, the act requires the Department of Conservation to, at a minimum, quarterly publish in the California Regulatory Notice Register, or otherwise make available, upon request, to the Department of General Services or any other state or local agency, a list identifying certain surface mining operations. Existing law also prohibits a state agency from acquiring or utilizing mined material, or from contracting with a person utilizing these materials, as specified, unless the material is produced from a mining operation on that list that meets certain requirements.</p> <p>This bill, in regard to mined materials a state agency may acquire or utilize, would remove the condition that the surface mining operation meet certain requirements, and instead require that the mined material be produced from a surface mining operation on the above-described list. The bill, until January 1, 2019, as specified, would also require this list to identify surface mining operations whose reclamation plan has been approved and is in compliance with the act, whose mining operation is in compliance with the approved reclamation plan or an order to comply, as specified, and whose mining operation has an approved financial assurance, as specified. The bill would require the Department of Conservation to submit a specified report to the Legislature between July 1, 2017, and January 1, 2018.</p>	RESD	417	<i>An act to amend Section 10295.5 of the Public Contract Code, and to amend Section 2774.1 of, and to amend, repeal, and add Section 2717 of, the Public Resources Code, relating to surface mining.</i>

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SB 584 (Wyland)	<p>School facilities: financial and performance audits Summary: Existing law requires the Controller, in consultation with the Department of Finance, the State Department of Education, and representatives of certain nongovernmental organizations, to recommend the statements and other information to be included in the audit reports filed with the state, and to propose the content of an audit guide that is required to be submitted by the Controller to the Education Audits Appeal Panel for review and possible amendment.</p> <p>This bill would require the Controller, on or before January 1, 2015, and in consultation with the State Allocation Board, the Department of Finance, and the State Department of Education, to submit content to the Education Audits Appeal Panel to be included in the audit guide, Standards and Procedures for Audits of California K-12 Local Educational Agencies beginning in the 2015-16 fiscal year, that is related to financial and performance audits required for specified school facility projects.</p>	OPSC	167	<i>An act to amend Section 14502.1 of the Education Code, relating to school facilities.</i>
SB 681 (Hernandez)	<p>Community college districts: personal property Summary: Existing law permits the governing board of any community college district without advertising for bids, and when that board has determined it to be in the best interests of the district, to authorize by contract, lease, requisition, or purchase order, any public corporation or agency, as specified, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property, as specified.</p> <p>This bill would also permit a community college district to authorize the lease or purchase of personal property directly from a vendor by contract, lease, requisition, or purchase order and make payment to the vendor on the same terms as provided in an existing contract between a public corporation or agency and the vendor for the lease or purchase of the personal property.</p>	PD	726	<i>An act to amend Section 20652 of the Public Contract Code, relating to public postsecondary education.</i>

LEGISLATIVE SUMMARY OF BILLS VETOED IN 2013

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AB 12 (Cooley)	<p>State government: Administrative Procedure Act: standardized regulatory impact analyses</p> <p>Summary: The Administrative Procedure Act governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires each state agency to prepare a standardized regulatory impact analysis, as specified, with respect to the adoption, amendment, or repeal of a major regulation, as defined, that is proposed on or after November 1, 2013. Existing law requires the Department of Finance and the office, from time to time, to review the standardized regulatory impact analyses for adherence to regulations adopted by the department. This bill would instead require the Department of Finance and the office to annually review the standardized regulatory impact analyses for adherence to the regulations adopted by the department.</p>	OLS	Vetoed	<i>An act to amend Section 11349.1.5 of the Government Code, relating to state government.</i>
AB 76 (Committee on Budget)	<p>State government</p> <p>Summary: This bill creates a statutory framework for the Golden State Financial Marketplace Program operated by the Department of General Services and includes an annual legislative reporting requirement. It transfers responsibility for the acquisition of major information technology (IT) projects from General Services to the Department of Technology. It repeals General Services' authority to issue up to \$391 million in financing securities for facilities in the Capitol Area Plan known as the West End Office Building Complex. It also revises the upper threshold amount that state agencies may contract for non-IT services without prior General Services' approval, from under \$75,000 to under \$150,000, if the state agency meets certain requirements.</p>	IT, OLS, RESD	Vetoed	<i>An act to amend Sections 100010 and 100115 of, and to add Section 94874.8 to, the Education Code, to amend Sections 8592.1, 8592.5, 8592.7, 8690.6, 11542, 13964, 14615.1, 15251, 15253, 15254, 15275, 15277, 18671.2, 23025, 25008, 53108.5, 53114.1, 53115.1, and 53126.5 of, to add Sections 6252.8, 8250.1, 11543, 13295.5, 13963.1, and 50021 to, to add Chapter 9 (commencing with Section 14930) to Part 5.5 of Division 3 of Title 2 and Chapter 3 (commencing with Section 15278) to Part 6.5 of Division 3 of Title 2 of, and to add and repeal Article 8 (commencing with Section</i>

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19210) of Chapter 5 of Part 2 of Division 5 of Title 2 of, to repeal Section 8169.6 of, and to repeal and add Section 18662 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2851, 4733, 6489, and 32103 of the Health and Safety Code, to amend Section 10089.7 of the Insurance Code, to amend Sections 62.5, 139.48, 1024, 1771.3, 1771.5, 7852, 7856, and 7870 of, to amend and repeal Section 62.7 of, to add Sections 62.8 and 1063.5 to, and to repeal 62.9 of, the Labor Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 1203, 13518.1, 13701, 13710, and 13730 of the Penal Code, to amend Sections 10351, 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5, 12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108, 12109, 12112, 12120, 12125, 12126, and 12128 of, to add Sections 12102.1 and 12102.2 to, and to repeal Section 12121 of, the Public

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				<p><i>Contract Code, to amend Sections 9303 and 75121 of the Public Resources Code, to amend Sections 2872.5, 2892, 2892.1 11908.1, 11908.2, and 22407 of the Public Utilities Code, to amend Sections 41030, 41031, 41032, 41136, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, to amend Section 5066 of the Vehicle Code, to amend Sections 21166, 30507, 30507.1, 34741, 40355, 50605, 56031, 60143, 70078, 71255, and 74208 of the Water Code, and to amend Section 656.2 of the Welfare and Institutions Code, relating to state and local government, and making an appropriation therefor, to take effect immediately, bill related to the budget.</i></p>

BILL (AUTHOR)	TOPIC	Office	CHAPTER	CODE SECTIONS AFFECTED
AB 199 (Holden)	<p>Institutional purchasers: sale of California produce</p> <p>Summary: Under existing law, price, fitness, and quality being equal, any body, officer, or other person charged with the purchase, or permitted or authorized to purchase supplies for the use of the state, or of any of its institutions or offices, or for the use of any county or city, is required to always prefer supplies, defined to include produce, that are grown, manufactured, or produced in the state, and is required to next prefer supplies partially manufactured, grown, or produced in the state.</p> <p>This bill would, until January 1, 2017, remove supplies grown or partially grown in the state from this requirement, and produce from the definition of supplies. The bill, the Choose California Act, would until January 1, 2017, require all California state-owned or state-run institutions, except public universities, public schools, and school districts, to purchase agricultural products grown in California to the extent possible from a California company before those that are grown outside of the state, as specified. The bill would, until January 1, 2017, encourage all public universities, public schools, and school districts in California to purchase agricultural products grown in California to the greatest extent possible.</p>	PD	Vetoed	<p><i>An act to add and repeal Chapter 7 (commencing with Section 58595) to Part 1 of Division 21 of the Food and Agricultural Code, and to amend, repeal, and add Sections 4330 and 4331 of the Government Code, relating to institutional purchasers of agricultural products.</i></p>
AB 375 (Buchanan)	<p>School employees: dismissal or suspension: hearing</p> <p>Summary: Existing law prohibits a permanent employee from being dismissed except for one or more of specified causes, including, among other causes, immoral or unprofessional conduct. Existing law requires the governing board of a school district to give notice to a permanent employee of its intention to dismiss or suspend the employee, together with a written statement of charges, for unprofessional conduct or unsatisfactory performance, at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing.</p> <p>This bill would require that a notice of the governing board of the school district to an employee of its intention to dismiss or suspend the employee, together with written charges filed or formulated pursuant to those procedures, be sufficient to initiate a hearing, as prescribed, and would prohibit the governing board of the school district from being required to file or serve a separate accusation. The bill would revise various procedures for providing notice of dismissal or suspension and would authorize a notice of dismissal or suspension to be given at any time of year, except a notice for a proceeding involving only charges of unsatisfactory performance, which would only be given during the instructional year of the school site where the employee is physically employed. The bill would impose various requirements for the filing of a demand for a hearing and the conduct of hearings by the Office of Administrative Hearings. The bill would prohibit a motion for immediate reversal of suspension from having a bearing on the authority of a governing board of a school district to determine the physical placement and assignment of an employee who is suspended or placed on administrative leave during the review of the motion or while dismissal charges are pending. The bill would delete obsolete provisions relating to the suspension of a permanent employee based on knowing membership by the employee in the Communist Party.</p>	OAH	Vetoed	<p><i>An act to amend Sections 44932, 44934, 44936, 44939, 44940, 44941, and 44944 of, and to add Section 44944.2 to, the Education Code, relating to school employees.</i></p>

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AB 566 (Wieckowski)	<p>Courts: personal services contracting</p> <p>Summary: The Trial Court Employment Protection and Governance Act establishes a trial court employee personnel system that provides authority to hire trial court personnel, regulates the classification and compensation of trial court employees, labor relations, and personnel files, and requires each trial court to establish a system of employment selection and advancement and an employment protection system. This bill, until January 1, 2020, would establish specified standards if a trial court intends to enter into a new contract, or renew or extend an existing contract, for any services that are currently or customarily performed by that trial court's employees. Among other things, the bill would require the trial court to clearly demonstrate that the contract will result in actual overall cost savings to the trial court for the duration of the entire contract as compared with the trial court's actual costs of providing the same services. The bill would require a contract for services in excess of \$100,000 annually to include specific, measurable performance standards and provisions for audits on performance and cost savings, as specified.</p>	OLS	Vetoed	<i>An act to add and repeal Section 71621 of the Government Code, relating to courts.</i>
SB 399 (Wright)	<p>California Prompt Payment Act</p> <p>Summary: The California Prompt Payment Act subjects a state agency that acquires property or services pursuant to a contract with a business to a late penalty payment, if it fails to make payment to the person or business on the date required by the contract. Existing law provides that the penalty payable to a certified small business, a nonprofit organization, a nonprofit public benefit corporation, or a small business or nonprofit organization that provides services or equipment under the Medi-Cal program is 10 percent above the United States Prime Rate on June 30 of the prior fiscal year. The State Contract Act prescribes the procedures and requirements applicable to various state agency contracts, and exempts from these procedures and requirements specified contracts for required emergency work or remedial measures related to the accidental or unplanned release of toxic substances.</p> <p>This bill would specify that contracts for emergency work or remedial measures are subject to the California Prompt Payment Act, and would include a contractor performing emergency work or remedial measures related to the accidental or unplanned release of toxic substances within the list of entities entitled to the late payment penalty of 10 percent above the United States Prime Rate.</p>	OLS	Vetoed	<i>An act to amend Section 927.6 of the Government Code, and to amend Section 10101 of the Public Contract Code, relating to state contracts.</i>
SB 695 (Wright)	<p>California Science Center: parking facilities</p> <p>Summary: Existing law establishes the Sixth District Agricultural Association, also known as the California Science Center, and requires the California Science Center to manage or operate its parking facilities in a manner that preserves and protects the interests of itself and the California African American Museum and that recognizes the cultural and educational character of Exposition Park. Existing law requires all revenues received by the California Science Center from its parking facilities to be deposited in the Exposition Park Improvement Fund in the State Treasury, and specifies that the funds may only be used, upon appropriation</p>	RESD	Vetoed	<i>An act to amend Section 4106 of, and to add Section 4109 to, the Food and Agricultural Code, relating to the California Science Center, and declaring the urgency thereof, to take</i>

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by the Legislature, for improvements to Exposition Park.

effect immediately.

This bill would provide that the California Science Center shall not delegate to any other party the power to manage and operate its parking facilities, and would specify that those provisions are declaratory of existing law. The bill would require the California Science Center to establish the minimum and maximum parking rates that may be charged at parking facilities in Exposition Park. The bill would also prohibit the California Science Center from entering into, and the Director of General Services from approving, any sale of, or lease for a term of more than ten years for the use of, its parking facilities, the Los Angeles Memorial Coliseum, or the Los Angeles Memorial Sports Arena, unless the Legislature authorizes the proposed sale or lease by statute, except if the lease contains terms that require the lessee to perform substantial capital improvements.